

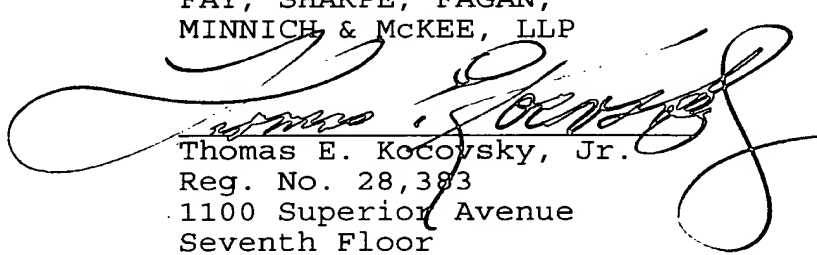
specific species claim)". Thus, the applicant's election of the species of Figure 1 is the proper form of election.

All claims read on the elected species. As the Examiner notes, claim 1 does not require any specific hardware for performing the projection data set collecting step. New claim 22 has been added to emphasize that the use of rotating gantry hardware in performing this collecting step is a mere narrowing in scope and is not directed to a different species. As set forth in MPEP 806.04(f), claims restricted to species must have mutually exclusive characteristics. If claim 1 had specifically excluded the use of rotating gantry or had required that no gantry be used, then the requirement for a rotating gantry and the requirement that there be no rotating gantry might be considered mutually exclusive. However, this is not the case in the present application, where claim 1 is generic to any hardware for collecting the projection data sets. Thus, claims 1 and 12 do not set forth mutually exclusive characteristics and vary only in breadth.

An early examination and allowance of claims 1-23 is requested.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this **ELECTION AND AMENDMENT A** in connection with U.S. Patent Application Serial No. 09/782,331 is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C., 20231, on this 23<sup>rd</sup> day of August, 2002.

By: Hilary McNulty